

## Government Evasion Of Constitution Held Key to Distillers' Suit

### Agriculture Department Challenged on Curbing Grain for Industry

**By David Lawrence**

Anybody who is interested in how to overthrow the Constitution of the United States by legal subterfuge is invited to listen to the arguments being made this week by a staff of lawyers from the Department of Justice before a three-judge Federal Court on the subject of allocation grain.

The case happens to challenge the right of the Department of Agriculture under a recently passed law of Congress to regulate the amount of grain that the distillers shall use in making whisky. But the principle involved, if upheld by the courts, could be used to strike down the freedom of the press or any other constitutional guarantees.

Without prohibiting or allocating the use of grain among the large users in other businesses, Congress specifically named the distilling industry—a minor user of grain—gave the Secretary of Agriculture the power to shut down or curtail distillery operations.

**Subject Long Debated.**

Prior to the adoption of the Eighteenth Amendment to the Constitution, there had been long wrangles in the courts over the power of the Federal Government to prohibit or control the making of alcoholic beverages. With the enactment of the 18th Amendment, the people gave Congress unqualified and complete power to prohibit the manufacture and sale of these beverages.

After the "prohibition" era with its bootleggers and difficulties of national enforcement, the 21st Amendment was adopted whereby the people took away from Congress the power to prohibit. By the votes of more than three-fourths of the States, the people lodged in the States the power to control the manufacture and sale of alcoholic beverages now is truly classified under the 10th Amendment which says:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

**Refer to Federal Power.**

When the words "United States" are used in the Constitution they refer to the Federal Government as distinguished from the States.

For Congress now to reassert a power which the people had specifically taken away from the Federal Government and to hinge the use of that power on the alleged right to allocate grain products in one industry is to introduce a novel method of circumventing a particular amendment to the Constitution itself which deals with that very industry.

It would be a parallel case if the Congress under its right to allocate the use of forest products decided some day to allocate the amount of wood pulp that could be used in the making of newspaper and took no other action to allocate the uses of wood pulp in paper for boxes, containers and the like.

Clearly there would be a vehement protest and it would be averred that Congress was indirectly seeking to abridge the freedom of the press, which is specifically forbidden by the 1st Amendment to the Constitution.

If Congress, however, is upheld by the courts in asserting its power to withhold grain from the distilling industry while it does not withhold grain from other industries by law, then the way is opened to attack by indirect and subterfuge any constitutional guarantee. The power to allocate raw materials could then be utilized to kill any industry regardless of the protections specifically granted by the Constitution.

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## This Changing World

### Ruhr Strikes Termed First Objective Of 'Protocol M' to Wreck Marshall Plan

**By Constantine Brown**

The disclosure of Communist aims for the instigation of a concerted campaign of strikes and general economic disruption in Western Germany as embodied in the so-called "Protocol M" published in German papers last week, only confirms what the State Department officials have known for a long time.

It has been no secret in Washington that the newly formed Communist Cominform, with headquarters in Belgrade, was dedicated to the international battle against the European Recovery Program (Marshall Plan) and that the scene of this struggle would be not only the countries benefiting from the program, but also the industrial Ruhr of Germany, on whose production a large part of the success of the Marshall Plan must depend.

The only thing new in "Protocol M" is the specific terms and fine detail with which the plan has been drafted. The authenticity of it has been sufficiently established, despite heated Soviet and other Communist denials, and its general tone is so in agreement with known Soviet objectives that it can be accepted as the real thing.

**Protocol Phases Mapped.**

The protocol is divided into five parts, dealing with the centers in which the struggle is to occur, the Communist organization for the campaign, propaganda, timetable and supervision.

Part one, specifying the Ruhr and northwest German transport as the points of attack, calls for simultaneous risings of the workers in transport and production, with party members retaining from all circumstances.

"It is not essential," the plan says, "to destroy food supplies, but merely to hinder their timely arrival. The timely co-ordination of delays in the arrival of food transport and the organization of wild strikes leading to a loss in production is an essential feature of the operation."

Part two declares the Metal

Workers' Union is the center of gravity from the Red organizational point of view, and the task set for the Western German Communists is to obtain control of all union treasuries.

**Propaganda Note Sounded.**

Propaganda, dealt with in part three, goes hand-in-hand with the program of strikes and disorders. The themes of this propaganda are: (1) the Marshall Plan is a plan of enslavement by the monopoly-capitalists of the United States; (2) that strikes in all monopoly-capitalist countries are signs of increasing decay of capitalist society; and (3) Eastern European economy is steadily developing under the protection of the Soviet Union.

The timetable set forth in part four was the achievement of a common Social Democrat and Communist basis to bring about a plebiscite; the end of the war, the organization of strike cadres; and after the first of March, the organization of general strikes.

**Battle Opens Final Struggle.**

The over-all purpose of the plan is stated in the preamble: "The coming winter will be the decisive period in the history of the German working class. . . . This battle is not concerned with ministerial posts but is for the starting positions for the final struggle for the liberation of the proletariat of the world."

Last week strikes began to occur in the Ruhr, ostensibly motivated simply by the desire for adequate food. There is no doubt, in the light of the present ration in the Anglo-American zone of Germany, that food is drastically short, and the prediction of German officials that hunger riots will occur in the future as food becomes even less plentiful is fully to be credited.

The extent, however, to which these strikes represent the first phases of action under the master Communist plan embodied in "Protocol M" is hardly open to question, and the fact that Communists did not appear prominently in the strikes simply complies with part one of the protocol.

Greater trouble is ahead not only for the Ruhr region in Germany, but for all Western Europe, whose recovery depends to a great extent on speeded production in Western Germany's industrial center. Growing hunger will become the ally of a firmly laid Communist plot to strangle the Ruhr and thereby all Western Europe.

## On the Record

### Communist Pose as Friend of Farmer Disproved by Red Starvation Policy

**By Dorothy Thompson**

The publicly propagandized aims of communism are vaguely liberal. One can read the Daily Worker every day for a year without finding any clear expression of Communist principle. Like Hitler, Communists, outside their own ranks, promise all things to most men, denouncing only "monopolists," "imperialists" (and failing to provide a glossary for their meaning) and "these terms," opposing Dorothy Thompson, race discrimination, child labor, etc. and everywhere they pose as the friends of all farmers except owners of "vast estates."

Since Henry Wallace has international Communist support and is supposed to be a friend of farmers, let us see what the Communist program is for them.

Communism aims at the eventual expropriation without compensation of all land, and the reduction of all farmers to the status of propertyless agricultural share croppers for the dictatorship of the proletariat. The program is set forth in detail in the international congresses, especially the Second and the Sixth.

**Four Farm Classes Listed.**

The program recognizes four classes of proprietors: Owners of large landed estates (acreage not fixed; in Poland all over 250 acres); successful farmers of smaller holdings; marginal farmers only one point above subsistence; and those who barely scratch a living.

These are to be absorbed step by step as follows:

"Confiscation of all large landed estates and transference of State and municipal properties, forests, minerals, rivers, etc., together with all property used in production connected with such properties, buildings, machinery, cattle, flour mills, dairies, etc., to the proletarian dictatorship."

Compensation of any kind, or retention, even of household goods, is strictly prohibited.

**Bribes for Some Groups.**

Parts of such properties are to be initially bestowed upon marginal and subsistence farmers as the degree necessary to neutralize them and win them over to the side of proletarian revolution.

The poorest, "little farmers who possess by right of ownership or rental small portions of land which barely meet the needs of their families without requiring hired labor," it is calculated, "will side with the proletariat," especially since they are to be bribed.

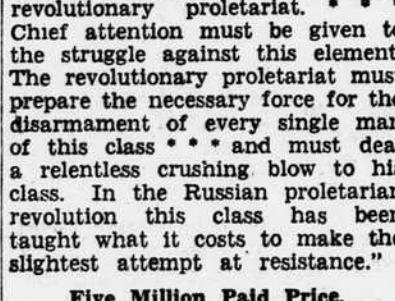
The marginal farmers, "small landowners who possess portions of land which, though small, may yield only scanty provision for the family . . . but the possibility of accumulating a certain surplus which, in the best years, could be transformed into capital and which some times needs to employ labor . . . must in the beginning of the proletarian dictatorship be neutralized. The vacillation of this group is unavoidable."

Eventually all these must become wage workers on State farms, but "transition to collective agriculture must be managed with circumspection, step by step."

**Working Farmers "Enemies."**

But members of the farming class which represents the backbone of all agriculture, the working farmers with sufficient land to yield a considerable surplus over the family's needs, with sufficient capital investment to mean high and efficient production—the class to which a majority of American farmers belong—are described as "the worst class enemies."

"The land-owning farmers are



Dorothy Thompson



## Wallace Party Crusade

### Declaration of Policy Shows Group Bars Compromise, Will Fight Whole Way

**By Doris Flesoon**

CHICAGO, Jan. 19.—Liberals, beware!

Henry Wallace and company have made it clear here that they accept every cost and every limitation of their third-party crusade. Their sailing papers must be signed in two places: an expanded New Deal at home, and peace based on co-operation with Russia. Old ties of friendship or struggle in a common cause will not win their aid nor will doubts about Russia be admissible.

Vague hints that Mr. Wallace might retire from the race if the Democrats got "more liberal" are now unconditional surrender by the Democrats, which is inconceivable, Mr. Wallace says. Finally, any co-operation at the local level, a device dear to beleaguered politicians, will materialize only by chance in places where the Wallace party has nothing to gain.

The watch word is 1952, and any profit to reaction in the meantime is purely coincidental.

**Leaves Doubt Behind.**

Mr. Wallace has flung himself into the Third Party Citizens of America convention conferences here with an airy exuberance possible only to one who has burned all his bridges. He has clearly left behind compromise, doubt and dissenting acquaintances. He said, for example, that he had not read Mrs. Roosevelt's comments on his candidacy. Even if that were only a diplomatic denial, his manner showed he did not intend to be bothered by criticism from any source.

The candidate delivered his keynote speech Saturday—a glossy New Deal with overtones of the late Huey Long's "every man a king"—almost gleefully. Mr. Wallace was, of course, reaching over the heads of the labor leaders, who are virtually all against him, to the rank and file.

He counts on his record to prove he means what he says, and he went to some pains to demonstrate that President Truman's new dealish State of the Union message was insincere. As a practical matter, of course, neither could put over his ideas unless Congress were converted wholesale.

Mr. Wallace did a skillful job from a tactical standpoint and one presaging a bitter campaign. The Republicans have hesitated to attack Mr. Truman as a person; it perhaps could be cynically charged that they plan to keep him in the role of an ineffective New Dealer. Anyway, no qualms assail the former Truman Secretary of Commerce.

Mr. Wallace doesn't bother much with the Republicans. He seems to assume that any one likely to vote for him doesn't admire that

party; his knife is out for Mr. Truman.

**Reactionaries to Benefit.**

Today's Wallace is probably a complex of many things, personal and political: Mrs. Wallace's tears when he was rejected at Chicago for Mr. Truman, his expulsion from the cabinet, his frustrations in the postwar policies that followed, the unremitting onslaughts on his integrity by some conservative quarters and the insidious adulation of the far left.

It was difficult but finally possible to get the admission from Mr. Wallace and PCA spokesmen that the reactionary forces would be the immediate beneficiaries of their maneuvers.

It was not possible to get them to grasp the nettle of their other controversial position—their acceptance of support from American Communists with its accompanying implication that Russia is doing nothing to justify any alarm.

Singer Paul Robeson was the most nearly candid; he said he would accept a dictatorship if necessary to destroy a fascism which discriminated against people on the grounds of color.

Beyond its revelations that the Wallace campaign will be concentrated, aggressive and bitterly personal, offering no quarter to those who year from the party line, the Chicago meeting disclosed nothing new. The tactical decisions were tentative; the actual outlines of the campaign will be fixed at the proposed convention in April.

(Released by the Bell Syndicate, Inc.)

## McLemore

### Can't Find Time To Worry Properly

**By Henry McLemore**

Allowing five hours for sleep, how is a man going to worry as much in one day as he conscientiously should in these times?

I stayed up until 4 this morning worrying, but even at that I didn't come anywhere near finishing. I worried just as fast as I could, but when I finally went to bed I hadn't, among other things, worried about Russia's tremendous improvement of the buzz bomb or my niece's romance with an "at liberty" lion tamer.

The truth is there just isn't time enough any more for a man to get his worrying done, even if he happens to be a slipshod worrier or one who cuts the corners. Let's just break down worries into broad classifications.

1. International.
2. National.
3. State.
4. County.
5. City.
6. Precinct.
7. Block.
8. Home.

**Two Categories Enough.**

No one need tell you that the two top classifications, international and national, alone provide sufficient worries to keep a forehead wrinkled like a washboard—what with the "cold war," the Marshall Plan, Palestine, Greece, Trieste, high cost of living, inflation, housing, Turner and Topping, grain speculation and rent control.

The problem which confronts us today, and which must be solved unless we all want to go as crazy as an evicted homing pigeon, is:

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How much time should be spent on each worry? That is, should a man give 45 minutes to inflation and only 30 seconds to the fact that his furnace is on the blink and if he doesn't do something about it his water pipes will freeze, or vice versa?

At the moment, I would like to worry at least half a day about U. N., but if I give that much time to U. N., I will have to forget all about conditions in my State and county, even if the sheriff elopes with the Governor's wife.

**Wants Baruch Advice.**

I wish to goodness that some solid thinker like Mr. Baruch would take time off to evaluate worries and prepare a handy chart for home use. It could be hung on the kitchen wall alongside the hardware store calendar and consulted daily. This would be a great comfort.

If Mr. Baruch said that it was much more important to worry about soil erosion in Kansas and the situation in India than about the fact that your bank kept reprimanding you for overdrafts, you could just rear back and let the bank reprimand until it wore itself out.

If Mr. Baruch will do this public service, I will ship him prepaid not only a park bench on which to sit while making his study of worries but also a small bit of park complete with fountains and squirrels in which to place the bench.

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